



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/773,599	02/02/2001	John Craig Smith	P 276655 PHM70655/US



00909
PILLSBURY WINTHROP LLP
1100 NEW YORK AVENUE, N.W.
9TH FLOOR
WASHINGTON, DC 20005

CONFIRMATION NO. 6247

FORMALITIES LETTER



OC000000005926684

Date Mailed: 04/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

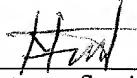
Adjustment date: 11/28/2001 YGIZAU
04/26/2001 MBERHE 00000036 033975 09773599
01 FC:105 130.00 CR

04/26/2001 MBERHE 00000036 033975 09773599
01 FC:105 130.00 CR

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

SMITH

Appln. No.: 09/773,599

Filed: February 2, 2001

FOR: DIAGNOSTIC METHOD



Date: April 24, 2001

RESPONSE TO ERRONEOUSLY ISSUED NOTICE OF MISSING PARTS

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Notice to File Missing Parts of NonProvisional Application dated April 2, 2001, asserting that "oath or declaration is missing." This Notice was erroneously issued inasmuch as all necessary parts of this application, including an executed declaration, were submitted with the application as filed on February 2, 2001. This is clearly shown by the copy of the application as filed, which notes on the cover page thereof "WITH SIGNED DECLARATION" and has attached thereto an executed declaration. The timely filing of this paper is evidenced by the attached copies of the PTO-Mail Room stamped postcard receipts, acknowledging receipt of the "Declaration (1 # pgs)."

With regard to the requirement for Sequence Listing in the Notice to File Missing Parts, the sequence listing is being prepared and will be filed in due course along with a further copy of the Notice.

SMITH - U.S. Serial No.: 09/773,599

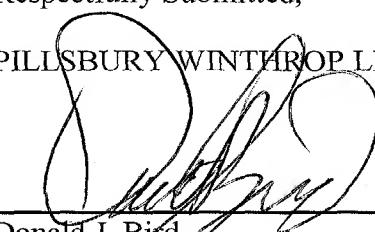
Since the Notice to File Missing Parts was sent due to U.S. Patent Office error with regard to the oath or declaration being missing, the \$130.00 fee is not required. However, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 03-3975 under Order No. 09901/0276655. A duplicate copy of this communication is enclosed for accounting purposes.

Respectfully Submitted,

PILLSBURY WINTHROP LLP

By:

1100 New York Avenue, N.W.
Ninth Floor, East Tower
Washington, D.C. 20005-3918
DJB:mk


Donald J. Bird
Registration No. 25,323
Tel. No.: (202) 861-3027
Fax No.: (202) 822-0944